THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 1383 of 2006
Date of decision : May 14, 2007

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Hardeep Singh .....Petitioner

Versus

Yash Pal .....Respondent

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CORAM: HON'BLE MR. JUSTICE H.S BHALLA

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Present: Mr. Ashish Aggarwal, Advocate for the petitioner(s).
Mr. Rajesh Kumar Moudgil, Advocate for respondent no.1.

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(H.S BHALLA, J)

A perusal of the file clearly spells out that the learned Lower Court fell in error while passing the order dated 30.1.2006 in accordance with the provisions laid down under Section 60 of the Code of Civil Procedure. This legal position has not been disputed by the learned counsel appearing for the respondent. Moreover, if the matter is remanded back, no prejudice shall be caused to the respondent.

In view of this, the impugned order dated 30.1.1006 passed by the learned Civil Judge (Junior Division) Kurukshetra is set aside. The parties are directed to appear before the learned Lower Court on 6.7.2007.

Learned lower Court is directed to dispose of the matter in accordance with law within three months.

May 14, 2007 **(H.S BHALLA)**
ritu JUDGE